CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/338*
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UNITED STATES OF AMERICA

Draft convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of bacteriological (biological) weapons and toxins intended for use as weapons and their elimination will facilitate the achievement of general and complete disarmament under strict and effective international control,

Desiring thereby, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced of the immense importance and urgent necessity of eliminating from the arsenals of states such dangerous weapons of mass destruction as weapons using bacteriological (biological) agents and toxins,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Believing that scientific discoveries in the field of bacteriology (biology) must in the interests of all mankind be used solely for peaceful purposes,

Recognizing nevertheless that in the absence of appropriate prohibitions the development of scientific knowledge throughout the world would increase the risk of the use of bacteriological (biological) methods of warfare,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

Recognizing the important significance of the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

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Reaffirming their adherence to the purposes and principles of that Protocol and calling upon all States to comply strictly with them,

Recalling resolutions of the United Nations General Assembly, which has condemned all actions contrary to the principles and purposes of the Geneva Protocol of 17 June 1925,

Convinced that an agreement on the prohibition of bacteriological (biological) and toxin weapons will facilitate progress towards the achievement of agreement on effective measures to prohibit the development, production and stockpiling of chemical weapons, on which negotiations will be continued,

Anxious to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

ARTICLE I

Each State Party to this Convention undertakes not to develop, produce, stockpile or otherwise acquire or retain:

(1) Microbial or other biological agents or toxins of types and in quantities that have no justification for prophylactic or other peaceful purposes;

(2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

ARTICLE II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than _____ months after the entry into force of the Convention all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this Article all necessary safety precautions shall be observed to protect the population and the environment.

ARTICLE III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly, or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any agent, toxin, weapon, equipment or means of delivery specified in Article I of the Convention.

ARTICLE IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent development, production,

stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

ARTICLE V

The States Parties to the Convention undertake to consult one another and to co-operate in solving any problems which may arise in the application of the provisions of this Convention.

ARTICLE VI

(1) Each State Party to the Convention which finds that actions of any other State Party constitute a breach of the obligations assumed under the provisions of this Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council. The Security Council shall inform the States Parties to the Convention of the result of the investigation.

(2) Each State Party to the Convention undertakes to co-operate in carrying out any investigations which the Security Council may undertake, in accordance with the provisions of the United Nations Charter, on the basis of the complaint received by the Council.

ARTICLE VII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

ARTICLE VIII

Each State Party to this Convention undertakes to conduct negotiations in good faith on effective measures for prohibiting the development, production and stockpiling of chemical weapons and for their destruction and on appropriate measures concerning the equipment and means of delivery specifically designed for the production or use of chemical weapons for warfare.

ARTICLE IX

(1) The States Parties to the Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of this Convention.

ARTICLE X

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

ARTICLE XI

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of this Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to this Convention.

ARTICLE XII

(1) This Convention shall be of unlimited duration.

(2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE XIII

(1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

(2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____ which are hereby designated the Depositary Governments.

(3) This Convention shall enter into force after the deposit of the instruments of ratification by _____ Governments, including the Governments designated as Depositaries of the Convention.

(4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

(5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of other notices.

(6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XIV

This Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Convention.

Done in _____ copies at _____,
this _____ day of _____, _____.